

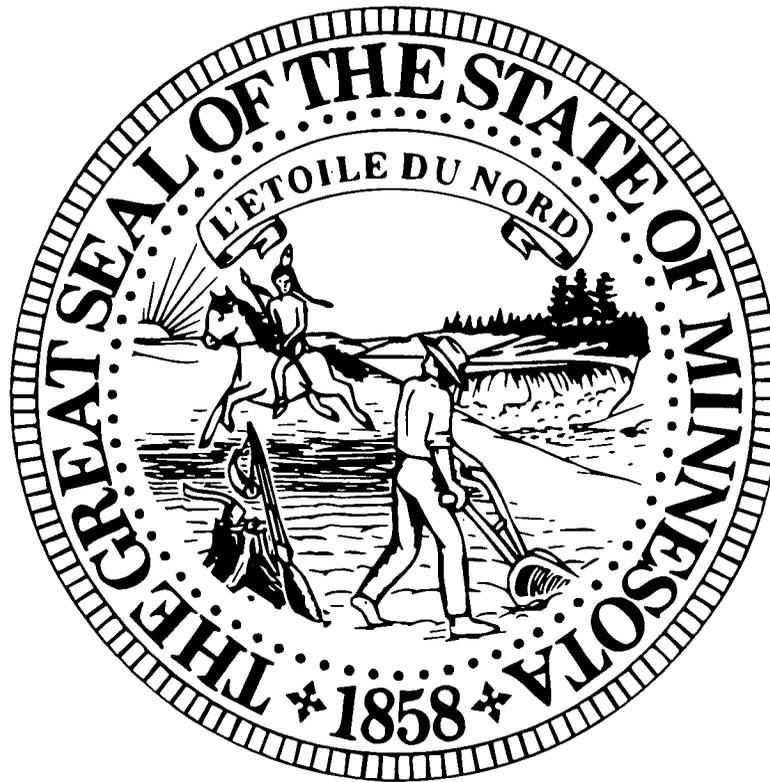
The Minnesota
State Register

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State Register

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The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

Printing Schedule and Submission Deadlines

Vol. 21 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 46	Monday 12 May	Monday 28 April	Monday 5 May
# 47	Monday 19 May	Monday 5 May	Monday 12 May
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# 49	Monday 2 June	Monday 19 May	Friday 23 May

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Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

Contact: Senate Public Information Office (612) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

Contact: House Information Office (612) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

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Individual copies and subscriptions for both publications are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.

Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1995 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Department of Public Safety

Driver and Vehicle Services Division

Notice of Withdrawal of Proposed Rules on License Revocation for Alcohol- and Controlled-Substance-Related Incidents

NOTICE IS HEREBY GIVEN that the proposed rules relating to the repeal of Alcohol Assessment Reimbursement, Chapter 7408 and the amendment of rules relating to Incidents for License Revocation, Chapter 7503 are withdrawn. These proposed rules and the Notice of Intent to Adopt them were published in the *State Register* on October 28, 1996 at 21 S. R. 554 to 558 (Vol. 21, #18).

Note these rules are the subject of new notice and proposal as specified under **Proposed Rules** in this issue of the *State Register*.

Donald E. Davis, Commissioner
Department of Public Safety

Environmental Protection ---

Videos & Training Material

Transport Packaging: Reducing Waste & Saving Money – Video **New!**

Video shows how business can eliminate waste and increase profits with reusable and source-reduced transport packaging. Includes *Reusable Transport Packaging Directory*. (color, 12 minutes, 1997) Stock No. 4-22 \$9.50

Source Reduction: How to Implement a Source Reduction Program – Video **New!**

Video and resource manual *Source Reduction* Now demonstrates how to set up a source reduction program in a commercial, industrial or institutional organization. (color, 12 minutes, 1997) Stock No. 4-21 \$8.50



Motor Vehicle Salvage Facility Environmental Compliance Manual & Video

Durable manual and color video *Salvage Yards & the Environment: The Next Generation*, AND 3 work-site posters. Convenient tabs guide you through general operating procedures, draining, dismantling & storage practices, waste handling, storage and disposal practices, PLUS a quick reference table for handling hazardous waste. 220pp. with VHS. (PCA, 1994) Stock No. 10-9 \$35.00

Hazardous Waste: Identification & Evaluation – Video

Find out how to determine if a waste is hazardous, and what basic steps to take to evaluate wastes. Fact sheets on F-listed wastes are included with video. (color, 9.5 minutes, 1995) Stock No. 4-7 \$10.00

Blue Ribbon Task Force Report

Findings and recommendations of task force examining the funding of Minnesota's water quality programs. 76pp. (PCA, 1995) Stock No. 10-5 \$19.95

Common Automotive Wastes – Video

Video covers eight sections on hazardous wastes most commonly found in vehicle maintenance and collision-repair operations (antifreeze, lead acid batteries, sludges and residues, parts washer solvents & cleaners, towels, wipes and sorbents, used oil and paint-related wastes). Includes management options for each plus a 'Used Oil' fact sheet. (color, 17.5 minutes, 1995) Stock No. 4-8 \$10.00

Hazardous Waste Storage – Video

Learn how to choose the right container, close and mark it correctly, plus proper care when moving it off-site. Also includes handy storage poster and fact sheet on labeling and storing hazardous waste correctly. (color, 12.5 minutes, 1994) Stock No. 4-6 \$10.00

MPCA Point-Source Final Report **New!**

Phase 2 of *Blue Ribbon Task Force Report*. features improvement initiative. 142pp. (PCA, 1996) Stock No. 10-1 \$10.95

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Department of Public Safety

Driver and Vehicle Services Division

Proposed Permanent Rules Relating to Driver's License Revocation for Incidents Involving Alcohol or Controlled Substances

Notice of Hearing

Proposed Rules Repealing *Minnesota Rules*, Chapter 7408 Relating to Alcohol Assessment Reimbursement and Amending *Minnesota Rules*, Chapter 7503 Relating to License Revocation for Incidents Involving Alcohol or Controlled Substances.

Public Hearing. The Department of Public Safety, Driver and Vehicle Services Division, intends to adopt rules after a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-entitled rules in the fifth floor conference room of the Veteran's Service Building, 20 West 12th Street, St. Paul, Minnesota starting at 9 a.m. on June 25, 1997, and continuing until the hearing is completed. Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Administrative Law Judge. The hearing will be conducted by Administrative Law Judge Jon L. Lunde who can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7645, and fax (612) 349-2665. The rule hearing procedures are governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. Questions about the rule hearing procedures should be directed to the Administrative Law Judge.

Subject of Rules. The subject of the hearing is the proposed repeal of *Minnesota Rules*, Chapter 7408 and proposed amendments to *Minnesota Rules*, Chapter 7503.

Chapter 7408 established procedures to reimburse counties for the cost of alcohol and mood-altering chemical assessments in relation to the operation of a motor vehicle. The statutory authority for the reimbursement system was repealed by the legislature in 1992; these rules are obsolete.

Chapter 7503 specifies administrative procedures relating to the revocation of a driver's license, license cancellation and reinstatement of the license following an alcohol- or controlled-substance-related incident. The proposed amendments to these existing rules implement recommendations of the Commission on the Confinement and Treatment of DWI Recidivists by mandating that treatment programs be abstinence based and that a minimum number of treatment hours be successfully completed. The proposed amendments specify a minimum number of hours for primary and relapse treatment and clarify what is aftercare and the maximum amount of aftercare that may be prescribed. Additional proposed amendments to Chapter 7503 are proposed to eliminate duplicate chemical dependency assessments of offenders, clarify the standards relating to primary, relapse and aftercare treatment and support groups, and remedy problems experienced in the day-to-day administration of license revocation and reinstatement responsibilities by the department.

A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Statutory Authority. The proposed rules are authorized by *Minnesota Statutes*, section 14.06, 169.128, 171.165, subdivision 5, and section 299A.01, subdivision 6. *Minnesota Statutes*, section 169.128 compels the agency to adopt rules on the above-titled matter with a public hearing.

Agency Contact Person. A free copy of the rules is available on request from:

Jane A. Nelson
Department of Public Safety
120 Transportation Building
395 John Ireland Blvd.
St. Paul, Minnesota 55155-1886
Phone: (612) 296-2608 TDD: (612) 297-2100 E-Mail: Jane.Nelson@state.mn.us

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available for review at the agency offices and at the Office of Administrative Hearings. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may be reviewed and a free copy obtained from the agency or at cost from the Office of Administrative Hearings.

Public Comment

Before the Hearing. The Department of Public Safety requests that all interested or affected persons submit written comment before the hearing in support of or in opposition to the proposed rules and any part or subpart of the rules. The comment must be in writing. Comment is encouraged. Comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Comment as to the legality of the proposed rules should be made during this time. Comment is requested to be received before the public hearing by 4:30 p.m., June 11, 1997.

At the Hearing. At the public hearing all interested or affected persons, including representatives of associations and other interested groups will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing.

Response Period. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period.

All comment and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comment or responses received by the Office of Administrative Hearings on this matter after publication of the proposed rules in the *State Register* on May 12, 1997 will be available for review at the Office of Administrative Hearings. Persons submitting written comment, responses, written views or data to the Administrative Law Judge before the hearing, at the hearing or during the period the hearing record is open should also submit a copy of the written comment, responses, views or data to the agency contact person at the address stated above.

Alternative Format or Accommodation. On request, this Notice can be made available in an alternative format such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make the hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate.

Adoption Procedures After The Hearing. After the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the

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Proposed Rules

agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings, and can make these requests at the hearing or in writing to the agency contact person stated above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board. Questions about this requirement may be directed to the Ethical Practices Board at: First Floor south, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (612) 296-5148 or 1-800-657-3889.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 25 April 1997

Donald E. Davis, Commissioner
Department of Public Safety

7503.0100 DEFINITIONS.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Cancellation and denial.** "Cancellation and denial" is the commissioner's withdrawal of a person's driver's license and privilege to drive in Minnesota pursuant to *Minnesota Statutes*, sections 169.121; 171.04, subdivision 1, clause (4); ~~(8); or (5)~~ (9), or (10); 171.13, subdivision 4; or 171.14.

Subp. 5. **Chemical dependency treatment.** "Chemical dependency treatment" is treatment for chemical dependency as specified in part 7503.1700, subpart 2, item A, in a:

- A. program licensed or approved by the state of Minnesota; ~~treatment in a;~~
- B. comparable program licensed or approved by another state; ~~treatment in a;~~
- C. hospital-based treatment program; or
- D. alternative treatment program ~~approved~~ preapproved by the commissioner of public safety.

~~All programs must include a requirement of abstinence.~~

[For text of subs 5a to 9, see M.R.]

Subp. 10. **Special review.** A "special review" is ~~a personal conference with and examination of the process of notifying a driver for the purpose of evaluating the person's driving ability and possible chemical abuse following an and receiving written confirmation that the driver understands that an~~ alcohol- or controlled-substance-related incident not currently on the driver's Minnesota driving record may result in the cancellation and denial of driving privileges in Minnesota.

[For text of subs 11 and 12, see M.R.]

7503.0800 REVOCATION PERIODS.

[For text of subs 1 to 6, see M.R.]

Subp. 7. **Terminating revocation after assessment action completed.** The commissioner shall terminate a revocation period in accordance with *Minnesota Statutes*, section 169.123, subdivision 10. The amount of the termination must be 30 days or the length of time remaining in the revocation period, whichever is shorter. Termination of the revocation period under *Minnesota Statutes*, section 169.123, subdivision 10, does not apply to persons with more than one alcohol- or controlled-substance-related incident on record or to persons who have outstanding licensure requirements; ~~such as completion of a special review or conditions of licensure imposed by the commissioner following a special review.~~ Termination of the revocation period applies only in the following circumstances.

[For text of items A and B, see M.R.]

7503.1250 SPECIAL REVIEW.

When a person incurs two alcohol- or controlled-substance-related incidents within five years or has three or more incidents on record, the commissioner shall require the person to complete, sign, and return a special review form.

A. The form must be sent by first class mail.

B. The form must require the driver to attest that the driver understands that an alcohol- or controlled-substance-related incident not currently on the driver's Minnesota driving record may result in the cancellation and denial of driving privileges in Minnesota.

7503.1300 LICENSE CANCELLATION AND DENIAL.

Subpart 1. **Failure to complete return completed special review action form.** The commissioner shall cancel and deny the driver's license and driving privilege of any person who fails to complete a, sign, and return the special review ~~or who fails to com-~~

plete a driver improvement course, alcohol awareness program, or chemical dependency treatment as prescribed in a special review, before the time for completion of the review or action has expired form as described in part 7503.1250.

[For text of subs 2 and 3, see M.R.]

7503.1600 REINSTATEMENT FOLLOWING CANCELLATION.

The commissioner shall deny the application for a driver's license, including the application for a limited license, to a person whose license has been canceled, unless:

- A. no revocation or suspension of the person's driver's license or driving privilege is outstanding;
- B. the person has completed a, signed, and returned the special review and any special review action required form; and
- C. if the incident is the third alcohol- or controlled-substance-related incident within a five-year period, or the third incident on record and a special review was conducted within ten years of the third incident, or if the person has four or more of these incidents on record, the person has completed rehabilitation.

Reinstatements following rehabilitation must be conditioned upon continued abstinence from the use of alcohol and controlled substances.

7503.1700 REHABILITATION.

Subpart 1. **When applicable.** A person must complete rehabilitation ~~when~~ (+) whenever:

A. the person's driver's license or driving privileges have been canceled and denied following involvement in three or more alcohol- or controlled-substance-related incidents within five years; (2) a special review has been conducted within ten years of the third incident and there are three alcohol- or controlled-substance-related incidents on record; or (3);

B. a third alcohol- or controlled-substance-related incident occurs within ten years from the date the person completed the required special review actions; or

C. there are four or more incidents on record.

Subp. 2. **Rehabilitation requirements.** To complete rehabilitation, a person must:

A. successfully complete ~~treatment for~~ chemical dependency treatment following the last documented date of the use of alcohol or a controlled substance and submit evidence to the commissioner of chemical dependency treatment ~~to the commissioner;~~ that satisfies the following requirements:

(1) the chemical dependency treatment must be in a program that requires abstinence;

(2) for an individual's initial treatment, primary chemical dependency treatment for a minimum of 48 hours of individual, group, or family counseling must be successfully completed;

(3) for an individual's second or subsequent treatment, relapse chemical dependency treatment for a minimum of 24 hours of individual, group, or family counseling must be successfully completed and is acceptable only when primary treatment has previously been successfully completed; and

(4) the chemical dependency treatment may include aftercare, which is additional treatment not to exceed 180 calendar days, prescribed by a treatment program for the successful rehabilitation of the individual, other than the primary treatment or relapse treatment, and which may include the abstinence-based support specified in item B;

B. participate in a generally recognized, ~~ongoing~~ abstinence-based support group and submit evidence of attendance to the commissioner showing regular participation for a minimum of three months immediately before submission based on ongoing abstinence, at least once a week for 12 consecutive weeks immediately before submitting to the commissioner evidence showing compliance with the rehabilitation requirements;

[For text of items C and D, see M.R.]

Subp. 2a. Variance to amount of treatment. An exception to the amount of chemical dependency treatment as defined in part 7503.0100, subpart 5, must be approved by the commissioner on an individual basis. The individual to whom the chemical dependency treatment applies may ask the commissioner to grant a variance from the amount of chemical dependency treatment specified in part 7503.0100, subpart 5.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Subp. 2b. Variance procedure. The individual requesting the variance shall submit the variance request in writing to the commissioner. The request must contain:

- A. the specific language in the rule or rules from which the variance is requested;
- B. the reasons why the rule cannot be met; and
- C. a description of the alternative treatment that will be taken to ensure a comparable degree of protection to the public safety if the variance is granted.

Subp. 2c. Variance criteria; conditions. The commissioner shall grant a variance request if:

- A. the request was made as prescribed in subpart 2b;
- B. the variance will have no potential adverse effect on public safety;
- C. the alternative treatment to be taken, is equivalent to or superior to that prescribed in the applicable rule;
- D. strict compliance with the applicable rule will impose an undue burden on the applicant;
- E. the variance has only future effect; and
- F. the variance does not vary a statutory standard.

Subp. 2d. Notice of decision. The commissioner shall notify the individual in writing of the commissioner's decision to grant or deny the variance.

- A. If the variance is granted, the notice must specify the period of time for which the variance will be effective and the alternative treatment and conditions the applicant must meet.
- B. The commissioner shall deny the variance request if the commissioner determines that the criteria in subpart 2b or 2c are not met.
- C. If the variance is denied, the denial notice shall specify the reasons for the denial and indicate that the individual may request a review of the commissioner's decision by the chemical abuse review panel established under part 7503.2200.
- D. Alternative measures or conditions attached to the variance have the force and effect of the applicable rule.
- E. If the party violates the alternative measures or conditions attached to the variance, the party is subject to the enforcement actions and penalties attached to the applicable law or rule.
- F. The individual to whom a variance has been issued shall notify the commissioner in writing within 30 days of a material change in the conditions on which the variance was granted.

Subp. 3. Evidence of chemical dependency treatment. Evidence of chemical dependency treatment submitted to the commissioner shall consist consists of written material supplied by the treating program showing. It must include:

- A. the last reported date of use of alcohol or a controlled substance;
- B. the starting and ending dates of primary treatment or relapse treatment and;
- C. the number of program hours for primary treatment or relapse treatment;
- D. verification of successful completion of primary and postprimary all treatment, including primary treatment or relapse treatment and aftercare if required by the treatment program; and
- E. a discharge summary with a prognosis and any recommended aftercare program. If the prognosis is not favorable or if the person fails to complete an aftercare program recommended by the treating program, the commissioner shall reinstate the person's driver's license and driving privilege only following completion of an abstinence period of one year in addition to the abstinence periods prescribed in part 7503.1700, subpart 5.

[For text of subp 4, see M.R.]

Subp. 4a. Removing restriction following rehabilitation. A person who is licensed after the successful completion of a first rehabilitation may request that the restriction be removed from the driver's license and from the computer records that are disclosed to any persons or agencies outside the driver and vehicle services division, Department of Public Safety, with the exception of law enforcement and court-related personnel, after the following requirements are met:

- A. a minimum of five years has elapsed since the completion of rehabilitation;
- B. the person appears personally at the department's driver evaluation office in Saint Paul or schedules an appearance at other offices throughout the state to make the request; and
- C. the person completes an application and pays a duplicate fee as required by Minnesota Statutes, section 171.06.

The removal of the restriction does not in any way affect the abstinence requirement of license reinstatement.

Subp. 5. **Abstinence periods.** Evidence of abstinence furnished by the person must substantiate a period of abstinence as provided in this chapter. Rehabilitation is not complete if the commissioner has sufficient cause to believe that the person has not abstained from the use of alcohol or a controlled substance for the period claimed.

The required period of documented abstinence is:

- A. for a person who has not previously undergone rehabilitation, one year;
- B. for a person who has once completed rehabilitation, three years; or
- C. for a person who has ~~twice~~ two or more times completed rehabilitation two or more times, six years; ~~or~~
- ~~D. for a person who has completed rehabilitation more than twice, double the period required for the latest rehabilitation.~~

If the person is incarcerated or lives in a controlled environment, such as a halfway house, the length of time the person is under these conditions counts as half-time towards completion of the abstinence periods required in items A to ~~D~~ C. A minimum of six months must be spent in an uncontrolled environment immediately before submitting evidence to the commissioner showing compliance with all rehabilitation requirements.

[For text of subps 6 and 7, see M.R.]

Subp. 8. Fraudulent documentation. If a person submits fraudulent documentation of rehabilitation, the commissioner shall reinstate the person's driver's license and driving privilege only following completion of all rehabilitation requirements and an abstinence period of one year in addition to the abstinence periods prescribed in subpart 5. Fraudulent documentation of rehabilitation is the deliberate submission of information that is false or misleading and includes falsified attendance or treatment records, falsified records showing incorrect abstinence periods, or other altered and incorrect records or documents.

Subp. 9. Additional offense. If a person required to complete rehabilitation under subpart 1 has any additional alcohol or controlled-substance incidents before beginning or completing rehabilitation, the commissioner shall reinstate the person's driver's license and driving privilege only after completion of all rehabilitation requirements and an abstinence period of one year in addition to the abstinence periods prescribed in subpart 5.

7503.2200 CHEMICAL ABUSE REVIEW PANEL.

Subpart 1. **Establishment and composition.** A chemical abuse review panel is established to review the type of chemical dependency treatment imposed by the commissioner or ~~a diagnosis of chemical abuse~~ accepted by the commissioner arising from a special review or rehabilitation. Members of the panel must be certified chemical dependency counselors or other health care professionals experienced in the area of chemical abuse and selected by the commissioner based on the recommendation of the Department of Human Services.

Subp. 2. **Procedure.** Applications for review by the chemical abuse review panel are governed by the following procedures:

[For text of items A and B, see M.R.]

C. The commissioner may submit written materials ~~in addition to the record of the special review or alcohol problem assessment~~ for consideration by the chemical abuse review panel. These materials will be supplied to the applicant; ~~if the person requested copies of the commissioner's materials when requesting a special review.~~

[For text of items D and E, see M.R.]

F. After receiving the written materials, the chemical abuse review panel shall recommend an alternative form of chemical dependency treatment ~~or recommend acceptance of a different diagnosis~~ to the commissioner if the person establishes that the type of treatment or diagnosis is not appropriate or correct under the individual circumstances of that person's case. The chemical abuse review panel shall recommend to the commissioner that the type of treatment ~~not be changed or that a diagnosis other than the contested diagnosis not be accepted;~~ only if the person does not establish establishes that the type of treatment or diagnosis is ~~not~~ appropriate or correct under the individual circumstances of that person's case.

[For text of items G to I, see M.R.]

REPEALER. Minnesota Rules, parts 7408.0100; 7408.0200; 7408.0300; and 7503.2100, are repealed.

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Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Pollution Control Agency

Adopted Permanent Rules Relating to Sewage Sludge

The rules proposed and published at *State Register*, Volume 21, Number 23, pages 774-804, December 2, 1996, (21 SR 774), are adopted with the following modifications:

7041.0400 EXCEPTIONAL QUALITY SEWAGE SLUDGE.

Subp. 2. **General requirements and management practices.** The general requirements in part 7041.1000 and the management practices in part 7041.1200 do not apply to exceptional quality sewage sludge which is applied to the land, except as follows:

A. the management practices in part 7041.1200, subpart 2, item B, for liquid bulk sewage sludge applied to frozen or snow covered ground apply to liquid bulk exceptional quality sewage sludge; and

7041.0800 APPLICATION AND APPROVAL PROCEDURE FOR LAND APPLICATION SITES.

Subpart 1. **Site application.** Persons who are required by part 7041.0600, subpart 3, to obtain a site approval from the commissioner must apply for the approval as provided in this part. Applications for approvals must be completed and signed by a Type IV certified operator or inspector. An approval is only valid for the conditions stated in the approval, including management practices and acreage authorized. If a change in acreage is proposed, a new application must be submitted and approval obtained. If a change in management practices included in the site approval is proposed, the change shall be authorized by the agency commissioner through a letter to the person who applies for the change before the person initiates the change.

The application must include a copy of the notification described in subpart 6 and the specific information given in subparts 2 to 5 submitted on a site application form obtained from or approved by the commissioner.

Subp. 11. **Revocation of ~~letters of approval~~ site approvals.** A ~~letter of~~ site approval may be revoked in accordance with the requirements of part 7001.0170.

7041.1200 MANAGEMENT PRACTICES AND LIMITATIONS.

Subp. 3. **Suitable soil conditions, slopes, and separation distances.** The suitable soil conditions in item A and the suitable slopes and separation distances in item B must be met when bulk sewage sludge is applied to agricultural land application sites. These conditions and limitations must also be met when bulk sewage sludge is applied to nonagricultural sites such as reclamation, forest, or public contact sites unless approved by the commissioner under the requirements of part 7041.0800, subpart 5. Bulk sewage sludge must not be applied to agricultural land, forest, a public contact site, or a reclamation site that is 33 feet or less from surface waters or wetlands unless specified otherwise in a permit.

A. Suitable soil conditions are as follows:

(5) soil samples must be collected and analyzed for parameters in part 7041.0800, subpart 2, item C, at a minimum of once ~~every three years~~ in the three-year time period prior to the land application of bulk sewage sludge unless stipulated otherwise in a site approval;

(6) liquid bulk sewage sludge must not be applied to soils with surface permeabilities of less than 0.2 inch per hour unless the sewage sludge is injected or incorporated within 48 hours of surface application; and

7041.1300 OPERATIONAL STANDARDS; PATHOGEN REDUCTION.

Subp. 2. **Pathogens in sewage sludge; Class A.** To be classified Class A with respect to pathogen reduction, the requirements in items A and B must be met.

G. Class A, Alternative 5. Sewage sludge shall be treated in one of the processes to further reduce pathogens in subitems (1) to (7).

(5) Beta ray irradiation. Sewage sludge is irradiated with beta rays from an accelerator at dosages ~~of~~ at least 1.0 megarad at room temperature (ca. 20 degrees Celsius).

Subp. 3. **Sewage sludge; Class B.** The requirements in item A, B, or C must be met for sewage sludge to be classified as Class B with respect to pathogen reduction and when Class B sewage sludge is applied to agricultural land, forest, a public contact site, or a reclamation site, the site restrictions in item D must also be met.

B. Class B, Alternative 2. Sewage sludge shall be treated in one of the Processes to Significantly Reduce Pathogens in subitems (1) to (5).

(3) Anaerobic digestion. Sewage sludge is treated in the absence of air for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature shall be between 15 days at 35 to 55 degrees Celsius and 60 days at 20 degrees Celsius.

D. Site Restrictions.

MINIMUM DURATION BETWEEN APPLICATION AND HARVEST/GRAZING/PUBLIC CONTACT ACCESS FOR CLASS B SEWAGE SLUDGE APPLIED TO THE LAND

Criteria	Surface Applied and <u>or</u> Incorporated	Injected
Food crops whose harvested part may touch the soil/sludge mixture (melons, squash, tomatoes, etc.)	14 mos.	14 mos.
Food crops whose harvested parts grow in the soil (potatoes, carrots, etc.)	20/38 mos. ¹	38 mos.
Feed, other food crops (field corn, sweet corn, etc.) hay, or fiber crop	30 days	30 days
Grazing of animals	30 days	30 days
Public contact <u>access</u> to the land		
- High potential ²	1 year	1 year
- Low potential ¹	30 days	30 days

¹The 20-month duration between application and harvesting applies when the sewage sludge that is surface applied stays on the soil surface for four months or longer prior to incorporation into the soil. The 38-month duration is in effect when the sewage sludge remains on the soil surface for less than four months prior to incorporation.

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Adopted Rules

²This includes, but is not limited to, a public contact site and reclamation site located in populated areas, for example, a construction site located in a city, turf farms, and plant nurseries.

³Land the public uses infrequently which includes, but is not limited to, agricultural land, forest, and a reclamation site located in an unpopulated area.

7041.1500 MONITORING REQUIREMENTS.

Subp. 4. **Frequency of monitoring.** The minimum monitoring frequency for the parameters listed in subpart 2, the pathogen or indicator organism density requirements in part 7041.1300, subparts 2 and 3, and the vector attraction reduction requirements in part 7041.1400, subpart 2, items A to D and F to H, shall be the frequency in this item.

MINIMUM SAMPLING FREQUENCIES

<u>Sewage Sludge Applied</u> ¹ (metric tons/ 365-day period)	<u>Sewage Sludge Applied</u> ¹ (tons/365-day period)	Frequency (times/ 365-day period)
>0 but <290	>0 but <320	1
≥290 but <1,500	≥320 but <1,650	4
≥1,500 but <15,000	≥1,650 but <16,500	6
≥15,000	≥16,500	12

¹Either the amount of bulk sewage sludge applied to the land or the amount of sewage sludge received by a person who prepares sewage sludge that is sold or given away in a bag or other container for application to the land (dry weight basis).

Subp. 6. **Greater frequency of sewage sludge sampling and analysis.**

GREATER FREQUENCY OF SEWAGE SAMPLING

Concentration Expressed in Milligrams/Kilogram of Dry Weight

Parameter	2X Frequency
Arsenic	38
Cadmium	43
Copper	2150
Lead	420
Mercury	28
Molybdenum	38
Nickel	210
Selenium	50
Zinc	3750

7041.1600 RECORDKEEPING.

Subp. 3. **Other Class A and Class B bulk sewage sludge.** The preparer of other Class A and Class B bulk sewage sludge that is applied to the land must develop and retain the information in items A to G and subpart 5 for five years and the information in items H to N indefinitely.

7041.1700 REPORTING.

Subp. 2. **Special reporting requirements.** The preparer of bulk sewage sludge which is not exceptional quality sewage sludge must notify the agency, in writing, when 90 percent or more of any of the cumulative pollutant loading rates in part 7041.1100, subpart 4, item B, has been reached for a site.

Office of the Governor**Emergency Executive Order #97-13: to Establish the Minnesota Flood Recovery Fund**

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

WHEREAS, severe spring flooding has affected large portions of the state, and numerous counties have been declared eligible for disaster relief funds by the Federal Emergency Management Agency; and

WHEREAS, this disaster has inflicted widespread and substantial damage to the public infrastructure, as well as to individual homes, farms, and businesses; and

WHEREAS, the resources of local government and private relief agencies are being utilized to the maximum extent to respond to the crisis; and

WHEREAS, it is anticipated that those resources will be exhausted as the recovery process continues; and

WHEREAS, a state of emergency has been declared;

NOW, THEREFORE, I hereby order that:

A Minnesota Flood Recovery Fund be established to permit state employees to donate up to 40 hours of their individual vacation time for disaster aid, which will be provided to needy families and individuals. The state will consult with charitable organizations in targeting the money appropriately. The dollar value of the hours donated will be set aside in an account established and administered by the commissioners of Employee Relations and Finance. These commissioners are also authorized to receive contributions to this fund from businesses and private citizens.

Appointing authorities are directed to communicate to employees the creation of this fund and to encourage employees to participate within the limits of their respective agency budgets.

Pursuant to *Minnesota Statutes* 1996, section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until August 31, 1997, or rescinded by proper authority.

IN TESTIMONY WHEREOF, I have set my hand this twenty-eighth day of April, 1997.

Arne H. Carlson
Governor

Filed According to Law:
Joan Anderson Growe
Secretary of State

Office of the Governor**Emergency Executive Order #97-14: Providing for Emergency Assistance to Motor Carriers Operating in Minnesota**

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

WHEREAS, the severe spring flooding has significantly impacted communities located near Minnesota rivers; and

WHEREAS, this crisis has inflicted widespread and substantial damage to the public infrastructure, as well as to individual homes, farms, and businesses; and

WHEREAS, it is urgent that as the crisis continues and relief efforts commence that action be taken immediately to further protect the health and safety of Minnesota citizens; and

WHEREAS, emergency assistance of motor carriers is needed to transport supplies and materials to stricken areas of the state; and

WHEREAS, a state of emergency has been declared;

Official Notices

NOW, THEREFORE, I hereby order that:

1. A state of emergency exists that requires relief from the motor carrier registration and fuel trip permit and fee requirements incorporated in *Minnesota Statutes*, section 168.187, subd. 17, and section 296.17, subd. 17, for those carriers that are assisting with the transportation of supplies and materials required during crisis recovery.
2. Nothing herein shall be construed to relieve motor carriers or their drivers from other applicable laws or regulations except where relief is provided by proper authority.
3. The commissioner of the department of public safety is directed to coordinate with affected state agencies for the administration and enforcement of this Order.

Pursuant to *Minnesota Statutes* 1996, section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until June 15, or it is rescinded by proper authority, for those carriers providing direct assistance to the emergency relief effort. Direct assistance to the emergency relief effort terminates when a commercial vehicle is used to transport cargo not destined for and dedicated to the relief effort.

IN TESTIMONY WHEREOF, I have set my hand this twenty-eighth day of April, 1997.

Arne H. Carlson
Governor

Filed According to Law:
Joan Anderson Growe
Secretary of State

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rule-making proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Department of Children, Families and Learning

Notice of Vacancy and Positions Available on Advisory Committees for Minnesota Resource Centers: Blind/Visually Impaired and Deaf/Hard of Hearing

The Special Education Advisory Council and the Minnesota Department of Children, Families and Learning are seeking applications for the Advisory Committees for the MN Resource Centers: Blind/Visually Impaired and Deaf/Hard of Hearing. The purpose of the Advisory Committees is to assist and advise the Directors of the Resource Centers in developing policies, plans, and practices that will assure effective and efficient special education programs for learners with disabilities. Each Committee consists of fifteen members who represent parents, advocates, consumers, general and special education teachers and administrators, students, institutes of higher education. Selection of members is also based on geographical representation.

The Committees generally meet two times during the fiscal year in the metro area. Reimbursement is provided for travel costs, lodging, meals, childcare reimbursement for parent representatives and substitute teacher pay.

There are 4-6 vacancies for the 1996-99 term. To ensure appropriate representation, special consideration will be given to the following: parents of children with disabilities, consumers, teachers of Deaf/HH, teachers of Blind/VI, teachers or administrators to represent the MN State Academy for the Deaf and MN State Academy for the Blind. Special consideration will be given to maintain a geographical balance.

The official Notice of Vacancy will be published in the *State Register* for the three weeks beginning May 5, 1997. During this period, interested parties should contact Lynn Gryc at the MN Resource Centers office (800/657-3859 or 800/657-3936 V/TTY) to obtain an application. All applications must be received by May 28, 1997. The Special Education Advisory Council will appoint the representatives at its June meeting. Applicants will be informed of their status after June 14, 1997.

For more information about the Advisory Committees, contact Lynn Gryc at 800/657-3859 or 800/657-3936 V/TTY.

Department of Health

Family Health Division

Minnesota Children with Special Health Needs Cost-Sharing Schedule

The applicant's share is one percent of cost for each \$1,000 or fraction of income above 60 percent of the State gross median income for a household of the same size as the applicant's. The applicant's percent share is found on the schedule by looking under the number of members in the applicant's household shown on the far left of that income level. For each additional household member greater than 10, add 3 percent to 144 percent for each additional household member and multiply the new percentage by the State's dollar amount for four-person households.

Income Levels By Number of Members in Household 7/1/97 to 6/30/98

	%	1	2	3	4	5
	0	0-16792	0-22194	0-27416	0-32638	0-37860
	1	16793-17972	22195-23194	27417-28416	32639-33638	37861-38860
%	2	17973-18972	23195-24194	28417-29416	33639-34638	38861-39860
which	3	18973-19972	24195-25194	29417-30496	34639-35638	39861-40860
Eligible	4	19973-20972	25195-26194	30417-31416	35639-36638	40861-41860
Applicants	5	20973-21972	26195-27194	31417-32416	36639-37638	41861-42860
Share	6	21973-22972	27195-28194	32417-33416	37639-38638	42861-43860
Cost of	7	22973-23972	28195-29194	33417-34416	38639-39638	43861-44860
Treatment	8	23973-24972	29195-30194	34417-35416	39639-40638	44861-45860
	9	24973-25972	30195-31194	35417-36416	40639-41638	45861-46860
	10	25973-26972	31195-32194	36417-37416	41639-42638	46861-47860
	11	26973-27972	32195-33194	37417-38416	42639-43638	47861-48860
	12	27973-28972	33195-34194	38417-39416	43639-44638	48861-49860
	13	28973-29972	34195-35194	39417-40416	44639-45638	49861-50860
	14	29973-30972	35195-36194	40417-41416	45639-46638	50861-51860
	15	30973-31972	36195-37194	41417-42416	46639-47638	51861-52860
	16	31973-32972	37195-38194	42417-43416	47639-48638	52861-53860
	17	32973-33972	38195-39194	43417-44416	48639-49638	53861-54860
	18	33973-34972	39195-40194	44417-45416	49639-50638	54861-55860
	%	6	7	8	9	10
	0	0-43082	0-44061	0-45040	0-46020	0-46999
	1	43083-44082	44062-45061	45041-46040	46021-47020	47000-47999
	2	44083-45082	45062-46061	46041-47040	47021-48020	48000-48999
	3	45083-46082	46062-47061	47041-48040	48021-49020	49000-49999
%	4	46083-47082	47062-48061	48041-49040	49021-50020	50000-50999
which	5	47083-48082	48062-49061	49041-50040	50021-51020	51000-51999
Eligible	6	48083-49082	49062-50061	50041-51040	51021-52020	52000-52999
Applicants	7	49083-50082	50062-51061	51041-52040	52021-53020	53000-53999
Share	8	50083-51082	51062-52061	52041-53040	53021-54020	54000-54999
Cost of	9	51083-52082	52062-53061	53041-54040	54021-55020	55000-55999
Treatment	10	52083-53082	53062-54061	54041-55040	55021-56020	56000-56999
	11	53083-54082	54062-55061	55041-56040	56021-57020	57000-57999
	12	54083-55082	55062-56061	56041-57040	57021-58020	58000-58999
	13	55083-56082	56062-57061	57041-58040	58021-59020	59000-59999
	14	56083-57082	57062-58061	58041-59040	59021-60020	60000-60999
	15	57083-58082	58062-59061	59041-60040	60021-61020	61000-61999
	16	58083-59082	59062-60061	60041-61040	61021-62020	62000-62999
	17	59083-60082	60062-61061	61041-62040	62021-63020	63000-63999
	18	60083-61082	61062-62061	62041-63040	63021-64020	64000-64999

Department of Labor And Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective May 12, 1997 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Anoka: Andover Elementary School Flooring Alterations-Andover.

Carlton: Moose Lake MCF New Metal Roof on Corridors-Moose Lake.

Chippewa: Alterations to Supply Room #159 Minnesota National Guard Armory-Montevideo.

Clay: Kise Commons Transformer Replacement MSU-Moorhead.

Clearwater: Clearwater County Courthouse and Law Enforcement Center-Bagley.

Dakota: Hastings Civic Arena-Hastings.

Hennepin: Hennepin County ACF Nursery/Driving Range Club House-Plymouth; Washburn High School Media Center Remodeling-Minneapolis; Lighting Upgrade Anoka/Hennepin School District-Brooklyn Park.

Houston: Caledonia High School Gymnasium Re-roofing-Caledonia.

Itasca: Floor Slab and Underground Piping ASV Incorporated-Grand Rapids.

Koochiching: Asbestos Abatement International Falls School District-International Falls.

Pine: Willow River MCF Re-roofing Portions of Dormitory-Willow River.

Ramsey: Removal and Replacement of Roof Membrane North St. Paul Schools-North St. Paul; Gymnasium Addition & Renovation U of M St. Paul-Falcon Heights; Eastcliff Roofing University of Minnesota-St. Paul.

Rice: Reroofing of Two Laundry Buildings Minnesota School for the Deaf/Blind-Faribault.

St. Louis: Industrial Building Re-roofing Ely High School-Ely; New Clubhouse Virginia Golf Course-Virginia.

Washington: Remodeling of 'FIA' & Career Center Woodbury Senior High School-Woodbury; Dust Collector Stillwater MFC-Stillwater.

Winona: Women's Locker Room Remodeling WSU-Winona.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian,
Commissioner

Pollution Control Agency

Public Notice on Proposed Amendment No. 1 to Air Emission Facility Part 70 General Manufacturing General Permit

NOTICE IS HEREBY GIVEN, that the Commissioner of the Minnesota Pollution Control Agency (MPCA) proposes to issue an amendment to the Part 70 general permit governing stationary general manufacturing sources that was issued by the MPCA on February 6, 1996. The issuance of this amendment to the general permit is authorized by *Minnesota Rules* 7007.1600, which allows the MPCA to reopen only those portions of the general permit that the MPCA proposes to amend. The proposed amendment to the general permit adds the new requirements from the federal National Emission Standard for Hazardous Air Pollutants (NESHAP) for halogenated solvent cleaning, adds the requirements for preparing an Environmental Assessment Worksheet before making certain changes under the general permit that trigger environmental review, and makes other technical corrections to the permit.

The stationary sources eligible for the general permit are major sources as defined in *Minnesota Rules* 7007.0200. The general permit also covers sources required to obtain permits by *Minnesota Rules* 7007.0250.

This proposed amendment does not change the eligibility requirements established in the general permit. Briefly, the general permit contains federally enforceable condition to limit the Potential-To-Emit (PTE) of Volatile Organic Compounds (VOCs) to less than a 12-month rolling sum of 250 tons and all other criteria pollutants to less than 100 tons each. The criteria pollutants are Particulate Matter less than 10 microns (PM₁₀), Carbon Monoxide (CO), Nitrogen Oxides (NO_x), Sulfur Dioxide (SO₂), lead (Pb), and ozone (VOC-volatile organic compounds). Each stationary source is nonmajor as defined in 40 CFR § 52.21, Prevention of Significant Deterioration (PSD) (*Minnesota Rules* 7007.3000) and 40 CFR § 52.24, Nonattainment Area Review (*Minnesota Rules* 7007.4000-.4030), therefore, New Source Review (NSR) requirements do not apply.

Each stationary source eligible for the general permit may include the following types of equipment and activities for which a permit is required by *Minnesota Rules* 7007.0150: spray guns, spray booths, painting/coating, degreasers, cleaning of surfaces, abrasive blasting, molding, acid cleaning surfaces, fuel storage, boilers, catalytic and thermal afterburners, internal combustion engines (generators), fabric filters, wall filters, burnoff ovens, furnaces, space heaters, ovens, soldering, welding, brazing, engine testing, screen printing, stenciling, storage tanks, unpaved roads and parking lots, and other insignificant activities listed in *Minnesota Rules* 7007.1300. The general permit describes in further detail when a stationary source of this type is not eligible for, or ceases to be eligible for, the general permit. A copy of the general permit is available from the MPCA as described below.

The preliminary determination to issue the amendment is tentative. There are four formal procedures for public participation in the MPCA's consideration of the proposed amendment. These procedures are set forth in *Minnesota Rules* 7007.0850, subp. 3.

First, interested persons may submit written comments on the proposed amendment.

Second, interest persons may also request that the MPCA hold a public information meeting.

Third, interested persons may request the MPCA to hold a contested case hearing. If the request is granted, the hearing would be conducted by the Office of Administrative Hearings pursuant to the Administrative Procedures Act.

Fourth, interested persons may submit a petition to the Commissioner requesting that the MPCA Board consider the permit amendment. The decision whether to issue the amendment and, if so, under what terms will be presented to the MPCA Board for decision if: (1) the Commissioner grants the petition requesting that the matter be presented to the MPCA Board; (2) an MPCA Board member requests to hear the matter prior to the time the Commissioner makes a final decision on the amendment; or (3) a request for a contested case hearing is pending. Otherwise, the Commissioner will make the decision.

Persons who submit comments or requests to the MPCA must state:

1. their interest in the draft amendment;
2. the action the person wishes the MPCA to take, including specific references to the section of the draft amendment that the person believes should be changed; and
3. the reason supporting the person's position, stated with sufficient specificity as to allow the Manager of the Air Quality Division to investigate the merits of the person's position(s).

Persons who submit requests for a contested case hearing must also state the issues they propose to address in a contested case hearing, the specific relief requested or resolution of the matter, and the reasons (or proposed findings) supporting an MPCA decision to hold a contested case hearing pursuant to the criteria in *Minnesota Rules* 7000.1900. The petition should also include a proposed list of prospective witnesses they would call, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing; a proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and an estimate of time required for the petitioner to present the matter at a contested case hearing. The decision whether to hold a contested case hearing will be made under *Minnesota Rules* 7000.1900.

If the MPCA issues this amendment, it plans to reissue the general permit to stationary sources already covered by it in a format that includes both the amended text and the underlying permit conditions that are unaffected by the amendment.

The public comment period commences May 13, 1997, and terminates June 11, 1997. Comments must be received in writing at the MPCA by 4:30 p.m. on June 11, 1997. Evidence of timely receipt is date/time stamp imprinted on the first page of the written comments by the first floor information and reception area of the MPCA or by Air Quality Division Support staff, or submittal by facsimile.

Comments, requests and petitions should be mailed to:

Amrill S. Okonkwo
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

Official Notices

A copy of the draft amendment to the general permit will be mailed to any interested person upon the MPCA's receipt of a written request. A copy of additional materials relating to the amendment of this general permit are available upon request or for inspection at the Minnesota Pollution Control Agency, Air Quality Division, 520 Lafayette Road North, St. Paul, Minnesota 55155, phone (612) 282-2603, and at the MPCA's Regional Offices at the following addresses and phone numbers between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

MPCA Regional Offices:

- Region 1** Duluth Government Center
Room 704
320 West Second Street
Duluth, Minnesota 55802
Phone (218) 723-4660
- Region 2** 1601 Minnesota Drive
Brainerd, Minnesota 56401
Phone (218) 828-2492
- Region 3** Lake Avenue Plaza
714 Lake Avenue
Suite 220
Detroit Lakes, Minnesota 56501
Phone (218) 847-1519
- Region 4** 700 North Seventh Street
Marshall, Minnesota 56258
Phone (507) 537-7146 or (507) 537-7147
- Region 5** 2116 Campus Drive Southeast
Rochester, Minnesota 55904
Phone (507) 285-7343

Dated: 5 May 1997

Peder A. Larson
Commissioner
Minnesota Pollution Control Agency

Public Employees Retirement Association (PERA)

Board of Trustees, Notice of Meetings

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, May 15, 1997, at 9:30 a.m. in the offices of the association, 514 Saint Peter Street, Suite 200, Saint Paul, Minnesota.

A meeting of the Finance Committee of the Board of Trustees will be held following the Board meeting on May 15, 1997, in the offices of the association.

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Administration

Governor's Council on Developmental Disabilities

Notice of Availability of Proposed Three-Year State Plan and Request for Public Comment

The Governor's Council on Developmental Disabilities announces the availability of the Council's proposed Three-Year State Plan for Federal Fiscal Years 1998-2000. The State Plan is required by the Developmental Disabilities Assistance and Bill of Rights Act (P.L. 104-183) (DD Act), Part B, "Federal Assistance to State Developmental Disabilities Councils."

Under the DD Act, federal funds are made available to states to assist in the development of a comprehensive array of services, supports, and other assistance for people with developmental disabilities and their families. The Plan becomes the basis for carrying out projects and activities consistent with this purpose.

The proposed Three-Year State Plan for 1998-2000 is available for public review and comment for 45 days beginning May 15, 1997 and ending at 4:30 p.m. on June 30, 1997. The Plan will be available in print and alternative formats. To obtain a copy of this document, please contact:

Colleen Wieck, Executive Director
Governor's Council on Developmental Disabilities
300 Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
(612) 296-4018 voice
(612) 296-9962 TDD
e-mail: admin.dd@state.mn.us

Minnesota Amateur Sports Commission

Extension of Deadline for Mighty Ducks Ice Arena Grant Program from April 28, 1997 to a New Deadline of June 4, 1997, 5:00 pm

The Minnesota Amateur Sports Commission has extended the deadline for submission of applications for the Mighty Ducks ice arena grant program to June 4, 1997, at 5:00 pm.

The extension will allow additional time for communities in the flood region of Minnesota to complete their applications, as well as applications statewide, and will allow the legislature to complete action on the latest Mighty Ducks funding bill.

Applicants should refer to the following sources for a complete copy of the RFP:

- *State Register*, March 10, 1997 edition.
- MASC web site: www.masc.state.mn.us
- Write or fax the MASC office

1700 105th Ave NE
Blaine, MN 55449
fax: (612) 785-5699

State Grants and Loans

Department of Health and Hennepin County Community Health Department

AIDS/STD Section

Notice of Request for Proposals to Distribute Title I and Title II Ryan White Comprehensive AIDS Resources Emergency (CARE) Act Funds

The Minnesota Department of Health (MDH) and the Hennepin County Community Health Department (CHD) are issuing a joint Request For Proposals to distribute Title I and Title II Ryan White Comprehensive AIDS Resources Emergency (CARE) Act funds.

The purpose of this funding is to provide specific support services to people living with the Human Immunodeficiency Virus (HIV) throughout the state of Minnesota and in some instances, St. Croix and Pierce counties in Wisconsin. The grant contract period is October 1, 1997 - September 30, 1998 and may be extended dependent upon the availability of additional funds. The following types of programs will be funded:

- Mental Health Services
- Transportation
- Culturally Appropriate Services
- Nutritional Counseling
- Primary Health Care
- Support Groups
- Buddy Programs
- Case Management
- In-Home Maintenance Health Care
- Media Outreach
- Complementary Care
- Housing: Temporary Shelter
- Substance Use Services

In order to apply for HIV services funding, two documents must be submitted: Letter of Intent and Proposal.

All Letters of Intent and Proposals are to be submitted to the Minnesota Department of Health. Letters of Intent are due June 13, 1997, and Proposals are due July 11, 1997. For a full copy of the Super Request For Proposal Application Guide, call Cindy Lind at (612) 623-5111.

Technical assistance will be offered:

Monday, June 2, 1997

3 to 5 p.m.

Minnesota Department of Health
717 Delaware Street S.E.
Minneapolis
Room 105

Wednesday, June 4, 1997

9 to 11 a.m.

Minnesota Department of Health
717 Delaware Street S.E.
Minneapolis
Room 105

In addition, all prospective applicants who have questions regarding this Super Request For Proposals are to call:

Terry Lauer, HIV Services Specialist
Services and Screening Unit
AIDS/STD Prevention Services Section
Minnesota Department of Health
(612) 623-5508

Department of Human Services

Family and Children's Services Division

Request for Proposals (RFP) for Establishing Area Training Centers, a Component of the Minnesota Child Welfare Training System

The Minnesota Child Welfare Training System, a part of the Family & Children's Services Division, Minnesota Department of Human Services, is soliciting proposals for establishing Area Training Centers, a component of the statewide, comprehensive, competency-based child welfare training system for county child protection and child welfare workers and supervisors, being developed by the Minnesota Child Welfare Training System. Services must include hiring Area Training Managers, and participating in identifying the location of the Area Training Centers.

The contract will end on June 30, 1999, with the option of extending the contract through June 30, 2002. \$1,033,680 in state appropriated funds is designated for the development of the Area Training Centers and identification of the Area Training Managers.

This request for proposals does not obligate the State to complete the services, and the State reserves the right to cancel the solicitation if it is considered to be in its best interests.

Proposals in response to this RFP must be submitted according to the RFP application instructions. A copy of the complete RFP material is available by contacting Richard Dean, Project Co-Director, Minnesota Child Welfare Training System, Family & Children's Services Division, at 612/297-1648. Upon request, this information will be made available in an alternative format, such as Braille, large print, or audiotape. The Department will be holding a pre-application conference on May 29, 1997, in Room 4A at the Department of Human Services.

All applicants must provide six (6) copies of their completed proposal to the Minnesota Child Welfare Training System, Family & Children's Services Division, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3830, no later than the close of business (4:30 p.m.) on June 9, 1997.

Evaluation and selection of the provider will be completed by June 30, 1997.

Department of Public Safety

Minnesota Auto Theft Prevention Program

Notice of Grant Availability to Government and Community Organizations for Auto Theft Prevention

The Minnesota Auto Theft Prevention Program Board announces the availability of \$830,000.00 in grant money. Applications will be accepted from State, County, Local Police or Governmental Agencies, Prosecutors, Judiciary, Businesses, Community and Neighborhood Organizations. The moneys granted out must be dedicated to the area of auto theft. Grant proposal forms and information may be obtained by contacting Dennis Roske at the Auto Theft Prevention office at (612/405-6153 or 612/405-6155).

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, and final submission date of completed contract proposal.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of up to 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TTY (612) 297-5353 and ask for 296-2600].

Minnesota State Colleges and Universities (Mn/SCU)

Metropolitan State University

Notice of Request for Proposals for a Strategic Web Site Development Contract

Metropolitan State University is soliciting proposals from qualified vendors for the strategic planning, design and production of the university's Web site. The project involves re-engineering Metro State's current site to maximize the university's use of the Web as an image-and information-based marketing tool both now and in the future.

The university has estimated that the cost of this project should not exceed \$50,000. The project will be completed by September 15, 1997.

For a complete request for proposal, please contact:

Matt Marchetti, purchasing
Metropolitan State University
700 E. Seventh St.
St. Paul, MN 55106
Phone: 612/772-7605
Email: marchettim@msus1.msus.edu

Three copies of the proposal must be received by Matt Marchetti at the above address by 4:00 p.m., June 6, 1997.

Metropolitan State University reserves the right to reject any or all proposals or portions thereof, or to waive any irregularities or informalities in proposals received.

Department of Commerce

Notice of Request for Proposals for Preparation and Insertion of an Ad in Newspapers and Libraries about Abandoned Property

The Minnesota Department of Commerce is seeking proposals for bid estimates from individuals or organizations qualified to prepare an "insert" or prepare AND insert an "insert" for circulation in the St. Paul Pioneer Press and Minneapolis Star Tribune newspapers, and local libraries for the purpose of advertising owners with abandoned property for the State of Minnesota's Unclaimed Property program as required by *Minnesota Statutes* Chapter 345.

For a copy of the Request for Proposal or more information contact:

Cheryl Costello
Commerce Licensing Director
Minnesota Department of Commerce
133 E. Seventh Street
St. Paul, MN 55101
Voice: (612) 296-6313
Fax: (612) 296-8591
TTY/TDD: (612) 297-5353 and ask for 296-6313

Department of Corrections

Minnesota Correctional Facility-Oak Park Heights

Notice of Request for Proposals for Providing Employee Physical Exams

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility-Oak Park Heights is requesting proposals for providing physical examinations to prospective and existing employees. The contract period will run from July 1, 1997, through June 30, 1999. The estimated cost for MCF-Oak Park Heights is \$14,000 for the period. Specific details on the purpose and scope of these physical examinations can be obtained by calling Connie Jones, MCF-Oak Park Heights Human Resource Director, 612/779-1314. The proposals must be submitted by 3:00 p.m. on May 23, 1997, to:

Connie Jones
MCF-Oak Park Heights
Box 10
Stillwater, Minnesota 55082

Department of Corrections

Minnesota Correctional Facility-Shakopee

Notice of Request for Proposal for Dental Hygiene Services

NOTICE IS HEREBY GIVEN to request proposals for the provision of providing complete oral hygiene care for the inmate population of the Minnesota Correctional Facility at Shakopee. Proposals shall cover the period of July 1, 1997, to June 30, 1999. Proposals must be submitted by 4:00 p.m. on June 2, 1997.

To submit proposals or for additional information, contact:

Pat Treloar, Health Services Director
Minnesota Correctional Facility - Shakopee
1010 W. 6th Avenue
Shakopee, MN 55379
(612) 496-4467

Department of Corrections

Minnesota Correctional Facility-Shakopee

Notice of Request for Proposal for Pre-employment and Employment Extension Physical Exams

NOTICE IS HEREBY GIVEN to request proposals for the provision of providing pre-employment and employment extension physical exams to employees referred by MCF/Shakopee. Proposals shall cover the period of July 1, 1997, to June 30, 1999. Proposals must be submitted by 4:00 p.m. on June 2, 1997.

To submit proposals or for additional information, contact:

Ruth Dahl, Human Resource Director
Minnesota Correctional Facility - Shakopee
1010 W. 6th Avenue
Shakopee, MN 55379
(612) 496-4457

Professional, Technical & Consulting Contracts

Department of Corrections

Minnesota Correctional Facility-Shakopee

Notice of Request for Proposal for Radiological Services

NOTICE IS HEREBY GIVEN to request proposals for the provision of providing Radiological Services to the inmate population of the Minnesota Correctional Facility at Shakopee. Proposals shall cover the period of July 1, 1997 to June 30, 1999. Proposals must be submitted by 4:00 p.m. on June 2, 1997.

To submit proposals or for additional information, contact:

Pat Treloar, Health Services Director
Minnesota Correctional Facility - Shakopee
1010 West 6th Ave
Shakopee, MN 55379
(612) 496-4467

Department of Corrections

Minnesota Correctional Facility-St. Cloud

Request for Proposals for Mobile CT and MRI Unit Services

The Minnesota Correctional Facility-St. Cloud (MCF-SCL) is requesting proposals for a mobile CT and MRI unit to provide on-site CT and MRI services to the inmate population. By having a mobile unit come to the facility, the tests can be done in a more efficient and cost-effective manner than transporting inmates to other health care facilities.

This Request for Proposal does not obligate the State to complete the proposed project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

To obtain a copy of the full RFP, please contact:

Agency: MCF-SCL
Name: Kathy Ludwig
Title: Finance Director
Address: Box B
St. Cloud, MN 56302-1000
Phone: 320/240-3072

Proposals Must Be Received: Not later than 4:00 p.m. on Friday, May 23, 1997. Late proposals will not be accepted.

Department of Natural Resources

Bureau of Real Estate Management

Notice of Request for Resumes from Licensed Fee Appraisers

The State is continuing a list of qualified licensed appraisers who wish to be considered for appraisal assignments during the period of September 1, 1997 through August 31, 2001. Although the State's fiscal year ends on June 30, the September 1 to August 31 date is used here to coincide with the Appraiser License term.

I. Professional Credentials

To be included on this list of licensed appraisers, the State invites appraisers to submit the following:

1. A copy of his/her current appraiser license
2. An updated resume of his/her:
 - Education
 - Experience
 - Clientele
 - Affiliation(s)
3. Normal hourly rate

II. Standards of Professional Practice

All appraisers must comply with "Uniform Standards of Professional Appraisal Practice" published by the Appraisal Foundation, 1029 Vermont Avenue NW, Suite 900, Washington D.C. 20005. All appraisers must keep a current appraisal license and a copy of which they must provide to the department.

III. Assignments

Appointment to the Department of Natural Resource's List of Qualified Real Estate Appraisers is not a guarantee of subsequent assignments. The Department of Natural Resource's reserves the right to assign appraisers at its sole discretion, depending on the qualifications of the appraisers, geographic location, and fee requirements. Appraisers' qualifications will be evaluated based on their responses to the above requirements.

NOTE: Appraisers may reject any assignments offered.

Mail responses to this request to:

Department of Natural Resources
c/o George Bekeris
Bureau of Real Estate Management
500 Lafayette Rd, Box 30
St Paul, MN 55155-4030
Phone: (612)297-4930 Fax #(612)297-3517
e-mail george.bekeris@dnr.state.mn.us

All responses must be received at the above address by 3:00 p.m. on June 2, 1997.

Department of Trade and Economic Development

Minnesota Office of Tourism

Request for Proposals for the State Tourism Travel Guide

NOTICE IS HEREBY GIVEN that the Minnesota Office of Tourism (MOT), a division of the state Department of Trade and Economic Development, is seeking proposals for the 1998 statewide travel guide to be published by MOT. The services will be provided under a contract for a period of approximately seven months, anticipated to be from June-December, 1997. The vendor must provide these services in a high quality, efficient and cost-effective manner.

The guide will be approximately 132 pages in length and 8.5 x 11 inches in size. MOT will provide the editorial content of the guide and all photography, and will sell ad space to tourism promotion organizations that will total approximately 45 pages.

The layout of the guide will follow the design of the 1997 Minnesota Trade Guide.

Design services will include updating with new text and photos, layout of advertising pages, design services for advertisers and pre-press production.

To receive a full RFP, contact Joan Hummel at 297-4714.

For more information contact:

Joan Hummel
Minnesota Office of Tourism
100 Metro Square
121 Seventh Place East
Saint Paul, MN 55101-2112
Direct Telephone/Voice Mail: 612/297-4714

Note: Other department personnel are NOT allowed to discuss the Request for Proposals with anyone, including responders, before the proposal submission deadline.

The proposal deadline is 4:00 p.m., Friday, May 30, 1997. Proposals received after the deadline will not be considered.

In compliance with *Minnesota Statutes* 16b.167, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Proposal.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Council

Public Notice of Request for Proposals for Host Server for a World Wide Web Site

NOTICE IS HEREBY GIVEN that the Metropolitan Council's Office of Communications is soliciting proposals to host and maintain a server for the Council's world wide web internet site and to provide consulting, design, programming and related services to maintain and upgrade the site.

Copies of the Request for Proposal (RFP) will be available beginning May 13, 1997. Completed proposals must be received by 4 p.m., Friday, May 29, 1997 in the offices of the Metropolitan Council.

This request does not obligate the Metropolitan Council to complete the work contemplated in this notice and RFP. The Metropolitan Council reserves the right to cancel this solicitation and reissue the RFP. All expenses incurred in responding to this notice and the RFP are the responsibility of and will be borne by the responding parties.

For more information or to receive a copy of the RFP, call Ken Reddick, Regional Data Center team leader, at 612 602-1422 (TTY 612 291-0904) or email: ken.reddick@metc.state.mn.us

Submit RFPs to Metropolitan Council, Mears Park Centre, 230 East Fifth St., St. Paul, MN 55101-1634 Attention Ken Reddick.

Minnesota River Basin Joint Powers Board

Scenic Byways Subcommittee

Notice of Request for Proposal for Scenic Byway Corridor Partnership Plan

NOTICE IS HEREBY GIVEN to request proposals for the development of a corridor partnership plan to be used for future corridor capital planning, use, and marketing. The plan will address the need for amenities along the corridor such as safety considerations; natural, cultural and historical resource interpretation and protection; recreational opportunities; and marketing. Special emphasis will be placed on development of a corridor partnership of representatives from residents, local governmental units, agencies, businesses and special interest groups that will be affected by the Minnesota River Valley Scenic Byway. The partnership will provide input for the creation of and long-term guidance for, the corridor plan. Proposals shall be based on services to be provided to the Minnesota River Basin Joint Powers Board, Scenic Byways Subcommittee from August 1, 1997, to July 30, 1998. Proposals must be submitted by 4:00 p.m., Thursday, May 22, 1997.

To submit proposals or for additional information, contact:

Tom Ellig
Southern District Manager, MHS
Lower Sioux Agency Historic Site
Rt. 1, Box 125
Morton, MN 56270
(507) 697-6321

Government

Tools for the Campaigner, Lobbyist, Citizen...

U.S. Congressional District Map Book

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